



Proskauer Rose LLP Eleven Times Square New York, NY 10036-8299

Joseph E. Clark  
Senior Counsel  
d +1.212.969.3178  
f 212.969.2900  
jclark@proskauer.com  
www.proskauer.com

September 26, 2022

**By ECF**

The Honorable Ronnie Abrams  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2203  
New York, NY 10007

Re: Consolidated Bus Transit, Inc. et al. v. Local 854 Pension Fund et al., No. 22-cv-3493-RA

Dear Judge Abrams:

We represent Defendants Local 854 Pension Fund (the “Fund”) and the Board of Trustees of the Fund in the above-referenced action. Pursuant to Section 1.D of Your Honor’s Individual Rules and Practices in Civil Cases, we write jointly with Plaintiffs’ counsel to respectfully request an adjournment of the current deadlines in this action.

The two upcoming scheduled dates in this action are the initial status conference, currently scheduled for October 7, 2022, and the corresponding deadline of September 30, 2022 for the parties’ to file a joint letter and case management plan. (Dkt. 34.) The parties have made three previous requests to adjourn these dates, which originally were scheduled for July 1, 2022 and June 24, 2022, respectively. The Court granted each request. (Dkts. 28, 31 & 33.)

As previously explained to the Court, Plaintiffs’ Complaint (Dkt. 1) seeks an order compelling Defendants to: (i) initiate a transfer of pension assets and liabilities from the Fund to the Amalgamated Transit Workers Local 854 Pension Fund, pursuant to 29 U.S.C. § 1415; (ii) calculate a reduction, if applicable, to the withdrawal liability owing by each Plaintiff to the Fund; and (iii) refund pension contributions erroneously made by two Plaintiffs to the Fund. The parties continue to work cooperatively towards reaching a resolution in connection with the relief sought by Plaintiffs, and remain optimistic that they will do so; accordingly, the parties believe it would be unnecessary and inefficient to proceed with active litigation at this time.

Nonetheless, in light of the possibility that the aforementioned and other issues may require the Court’s intervention, we respectfully request that the Court continue to retain this action on its docket while the parties work towards a final resolution. The parties further request that the Court schedule a status conference for during the week of December 12, 2022, and that a joint letter and case management plan be due a week in advance of that conference.



The Honorable Ronnie Abrams  
September 26, 2022  
Page 2

We thank the Court for its consideration.

Respectfully submitted,

*/s/ Joseph E. Clark*

Joseph E. Clark

cc All counsel of record

Application granted. The initial status conference is hereby rescheduled to December 16, 2022 at 3:30 p.m. The parties' joint status letter and proposed case management plan is due one week prior to the conference.

SO ORDERED.

A handwritten signature in blue ink, appearing to be "R. Abrams", written over a horizontal line.

Hon. Ronnie Abrams  
9/27/22